

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION**

ROBERT STUART

v.

FIRE-DEX, LLC

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Case No. 4:13-cv-675

AGREED MOTION AND STIPULATION OF DISMISSAL WITH PREJUDICE

Plaintiff ROBERT STUART (“Plaintiff”), and Defendant FIRE-DEX, LLC (“Defendant”) file this Agreed Motion and Stipulation of Dismissal With Prejudice under Federal Rule of Civil Procedure 41(a)(1)(A)(ii). All parties consent to this motion and stipulation of dismissal with prejudice.

1. Plaintiff is Robert Stuart; Defendant is Fire-Dex, LLC.
2. On March 11, 2013, Plaintiff sued Defendant.
3. Plaintiff moves to dismiss the suit with prejudice.
4. Defendant has served an Answer and agrees to the dismissal.
5. This case is not a class action under Federal Rule of Civil Procedure 23, a derivative action under Rule 23.1, or an action related to an unincorporated association under Rule 23.2.
6. A receiver has not been appointed in this case.
7. This case is not governed by any federal statute that requires a court order for dismissal of the case.
8. Plaintiff has not previously dismissed any federal or state-court suit based on or including the same claims as those presented in this case.

9. Each party shall bear their own costs.
10. This dismissal is with prejudice to refiling.

PRAYER

For these reasons, Plaintiff and Defendant respectfully ask the Court to grant this Agreed Motion and Stipulation of Dismissal with Prejudice by signing the attached Order to this agreed motion.

AGREED AND ACCEPTED:

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*Attorneys for Defendant
Fire-Dex, LLC*

CERTIFICATE OF SERVICE

Pursuant to Rule 5(b) of the Federal Rules of Civil Procedure, I certify that a true and correct copy of the foregoing instrument has been served on all counsel of record who has consented to electronic notification *via* CM/ECF on the 10th day of January, 2014:

Charles Daughtry
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Attorneys for Defendant

Via CM/ECF

/s/ Jarrett L. Ellzey
Jarrett L. Ellzey